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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/719,944	11/24/2003	Wen Shiang Yang	LP3002	3527

7590 09/28/2004

WEN SHIANG YANG
235 Chung-Ho
Box 8-24
Taipei,
TAIWAN

EXAMINER

WONG, STEVEN B

ART UNIT PAPER NUMBER

3711

DATE MAILED: 09/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/719,944	Applicant(s) YANG, WEN SHIANG	
	Examiner Steven Wong	Art Unit 3711	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 November 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

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Specification

1. The disclosure is objected to because of the following informalities: On page 2, line 16, the language "than that of the upper" should be changed to "than that of the lower".

Appropriate correction is required.

Drawings

2. Figures 1 and 2 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.121(d)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

3. Claims 1-4 are objected to because of the following informalities: In claim 1, line 7, the language "that is, from the first" should be changed to "that is, the first". In claim 1, line 20, the language "and upper seaming wires" should be changed to "and lower seaming wires".

Appropriate correction is required.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-4 are rejected over Maxey et al. (6,190,273) in view of Kinnee (5,253,865).

Regarding claim 1, Maxey discloses a baseball comprising a pair of dogbone shaped covers (16, 18), a first seaming wire (26) passing through the two covers and two lower seaming wires (36, note Figure 2). The seaming wires are arranged at a lower edge of a respective cover.

Kinnee discloses a baseball comprising a pair of dogbone shaped covers (26, 27) and an edge strip (43, 44) that extends on both the upper and lower surfaces of the covers (note Figure 4 and column 5, lines 35-59). Kinnee states that the edge strip protects the edges of cover members. Given the suggestion by Kinnee to provide reinforcing means on the upper and lower surfaces of the edge of the cover members, it would have been obvious to one of ordinary skill in the art to provide the seaming wire of Maxey on the upper surface as well as the lower surface in order to reinforce the edge of the cover members and provide bulging stitches for improved gripping.

Regarding claims 2-4, it would have been obvious to one of ordinary skill in the art to form the ball with an upper seaming wire with a diameter equal to, greater than or less than the diameter lower seaming wire in order to alter the size of the bulge for the stitches and also effect the reinforcing of the cover members.

Claims 1-4 are rejected over Yang (5,772,544) in view of Kinnee (5,253,865). Yang discloses a baseball comprising a pair of dogbone shaped covers (20), an edge seaming strip (40) joining the covers together and an edge strip (30) that extends on the underside of the cover. Given the suggestion by Kinnee to provide reinforcing means on the upper and lower surfaces of the edge of the cover members, it would have been obvious to one of ordinary skill in the art to

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provide the seaming wire of Yang on the upper surface as well as the lower surface in order to reinforce the edge of the cover members and provide bulging stitches for improved gripping.

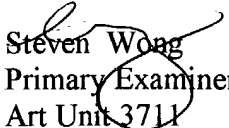
Regarding claims 2-4, it would have been obvious to one of ordinary skill in the art to form the ball with an upper seaming wire with a diameter equal to, greater than or less than the diameter lower seaming wire in order to alter the size of the bulge for the stitches and also effect the reinforcing of the cover members.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Wong whose telephone number is 703-308-3135. The examiner can normally be reached on Monday through Friday 7am-3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Vidovich can be reached on 703-308-1513. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Steven Wong
Primary Examiner
Art Unit 3711

SBW

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September 23, 2004